

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and the following remarks are submitted for the Examiner's consideration.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubschneider et al. (U.S. Pub. No. US 2002/0091486 A1) in view of Ito et al. (U.S. Patent No. 6,542,816 B1). For the following reasons, the examiner's rejection is respectfully traversed.

None of the references disclose or suggest transmitting "on-road location information by using road shape data including said on-road location consisting of a string of coordinates representing the road shape of a road section having a length that depends on the situation and relative data indicating said on-road location in said road section" as recited in claim 1. The Office Action cites Ito for teaching these features (Office action 07/16/2003, page 3).

Ito stores crossing data of road crossings (fig. 3; col. 7, lines 52-58); road data of road links (fig. 4; col. 7, line 59, to col. 8, line 2); and node data of points on the road link such as crosswalks and tunnels (fig 5; col. 7, lines 3-13). In Ito, the center device 150 transmits crossing data based on the destination and starting point to the navigation apparatus 100, which compares each transmitted crossing data with crossing data in its memory to specify a corresponding crossing (col. 10, lines 44-67). The Ito navigation apparatus 100 then specifies each road link between two adjacent crossing to determine the route for the user (col. 11, lines 1-5).

Although Ito transmits coordinates for road crossings, Ito does not transmit a string of coordinates representing the road shape of a road section. Therefore, Ito does not disclose or suggest transmitting on-road location information by using road shape data including an on-road location consisting of a string of coordinates representing the road shape of a road section. Also, an Ito road link is dependent on the distance between road crossing. Therefore, an Ito road link does not have a length that depends on the situation and relative data indicating an on-road location in the road link. Thus, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

None of the references disclose or suggest performing "shape matching using said road shape data to identify said road section" as recited in claim 1 or "a shape matching section for performing shape matching by using said road shape data" as recited in claim 4. The office action cites Ito for teaching these features (Office action 07/16/2003, page 3).

Ito discloses a matching operation (at S3) of the navigation apparatus 100, which compares the transmitted crossing data with crossing data in its memory to specify a corresponding road crossing (col. 10, line 62-67; fig. 7). The Ito navigation apparatus 100 then specifies each road link between two adjacent crossing (col. 11, lines 1-5). Therefore, Ito does not disclose or suggest a shape matching section or performing shape matching using road shape data to identify a road section. Thus, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

In regards to claim 4, none of the references disclose or suggest "a location information converter for converting transmit on-road location information to road shape data including said on-road location consisting of a string of coordinates representing the road shape of a road section having a length that depends on the situation and relative data indicating said on-road location in said road section" as recited in claim 4. In the Office action dated 01/16/2003, acknowledges that Hubschneider does not mention a location information converter (Office Action 1/16/2003, page 4). The Office action dated 07/16/2003 does not specify what element in Ito is considered to be the location information converter (Office action, 07/16/2003, page 2-3).

Ito disclose a center device 150, however, no mention is made in Ito of the center device having a location information converter. Therefore, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

Furthermore, there is no suggestion or motivation for one skilled in the art at the time the invention was made to combine Hubschneider and Ito to arrive at the claimed invention. The mere fact that the references can be combined does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP §2143.01; *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

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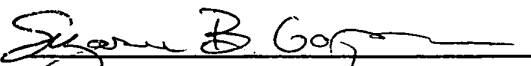
Hubschneider discloses a navigation system that receives route information from a central unit (paragraphs 28-29). Ito discloses a navigation system that uses road crossings and road links between adjacent crossings to determine driving routes (col. 10, line 44, to col. 11, line 5). Since Ito uses road crossings to determine road links, there is no need or motivation to use coordinate data to represent the road shape of a road or to determine a road section in a road network. No showing in the Office action has been made of a suggestion or motivation in Hubschneider or Ito to make the proposed modification. The desirability of such a modification is found only in the Applicant's own description of the invention, in contrast to the requirement that the teaching or suggestion to make the modification must be found in the prior art, and not based on the applicant's disclosure. Thus, the Office action has not established a *prima facie* case of obviousness.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 34409.

Respectfully submitted,

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